

Practitioner's Docket No. 033393-055194

PATENT

IN THE UNITED STATES RECEIVING OFFICE

10/533,622	30 October 2003 (30.10.2003)	30 October 2002 (30.10.2002)
US Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: METHODS FOR TREATING AND PREVENTING APOPTOSIS-RELATED DISEASES USING RNA INTERFERING AGENTS

APPLICANT(S) FOR EO/DO: LIEBERMAN, et al.

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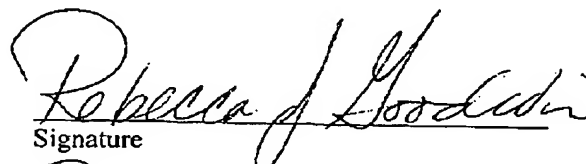
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p.1

**Nixon Peabody LLP**

Attorneys at Law

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From: David S. Resnick Stephen Duly	Date: October 16, 2006	No. of Pages: 11 (including this page)	
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Practitioner's Docket No. 033393-055194

**PATENT**

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10/533,622	30 October 2003 (30.10.2003)	30 October 2002 (30.10.2002)
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**TITLE OF INVENTION:** METHODS FOR TREATING AND PREVENTING APOPTOSIS-RELATED DISEASES USING RNA INTERFERING AGENTS

**APPLICANT(S) FOR EO/DO:** LIEBERMAN, et al.

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Date: October 16, 2006

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Rebecca J. Goodwin

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10158292.1

OCT 16 2006

PTO/SB/21 (09-04)

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FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

10/533,622

Filing Date

October 30, 2003 (I.A. filing date)

First Named Inventor

Lieberman, et al.

Art Unit

1635

Examiner Name

Not Yet Assigned

Attorney Docket Number

033393-055194

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
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- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/  
Incomplete Application
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under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
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Abandonment, Copy of Return Receipt Postcard.

Remarks

The Commissioner is authorized to charge fee deficiencies and credit overpayments related to this submission to the Nixon Peabody LLP Deposit Account No. 19-2380.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

NIXON PEABODY LLP

Signature

Printed name

David S. Resnick/Stephen Duly

Date

10/16/06

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34,235

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REBECCA J. GOODWIN

Date

Oct 16, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**OCT 16 2006**

Practitioner's Docket No. 033393-055194

**PATENT****IN THE UNITED STATES RECEIVING OFFICE**

10/533,622	30 October 2003 (30.10.2003)	30 October 2002 (30.10.2002)
US Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION:** METHODS FOR TREATING AND PREVENTING APOPTOSIS-RELATED DISEASES USING RNA INTERFERING AGENTS**APPLICANT(S) FOR EO/DO:** LIEBERMAN, et al.**PETITION UNDER 37 CFR § 1.181 TO  
WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.181, applicants hereby petition the Director to withdraw the holding of abandonment of U.S. Patent Application Serial No. 10/533,622 ("the '622 application")

**Statement of Facts**

The '622 application was filed on January 17, 2006, and is a 371 application of PCT/US03/34686 filed October 30, 2003, which claims the benefit of U.S. Provisional Application Serial No. 60/422,578 filed October 30, 2002.

On April 6, 2006, Applicants received a Notice of Acceptance of Application Under 354 U.S.C. 371 and 37 C.F.R. 4.495 mailed April 3, 2006. However, on July 10, 2006, Applicants received a Withdrawal of Previously Sent Notice mailed July 7, 2006. Concurrently, Applicants then received a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed July 7, 2006.

10158158.1

Serial Number 10/533,622  
Notice of Abandonment mailed September 12, 2006  
Petition filed October 16, 2006

To comply with the Notice, Applicants filed on September 7, 2006 a Response to Notification, enclosing the sequence listing in paper and CRF copies. A Return Receipt Postcard was received from the USPTO, date-stamped received by the OIPE on September 11, 2006 (copy enclosed).

On September 12, 2006 the Examiner mailed a Notice of Abandonment (attached hereto) in the '622 application. The Notice of Abandonment makes no mention of the Response to the notification of Missing Requirements and simply states that the application was abandoned in view of failure to respond to the notification of Missing Requirements mailed 07/07/2006 within the time period set therein. However, upon review of the '622 application on USPTO EBC Private PAIR, all documents appear to be received and entered in the IMAGE FILE HISTORY on September 11, 2006. A printout of the Image File Wrapper detailing the received documents from Private PAIR is enclosed.

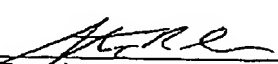
#### Conclusion and Action Requested

For all of the foregoing reasons, Applicants respectfully petition the Director to withdraw the holding of abandonment of the '622 application and direct the Examiner to enter the Response to Notification mailed on September 7, 2006. All documents related to the Response can be found on Private PAIR.

Applicants believe that no fee is due upon consideration of this Petition, however, the Commissioner is authorized to charge any necessary fees to Deposit Account No. 19-2380.

Respectfully submitted,

Date: 10/16/06

  
David S. Resnick, Registration No.: 34,235  
Stephen Duly, Registration No. 56,183  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110-2131  
Phone (617)345-6057  
Fax (617) 345-1300

10158158.1



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10/533,622

Methods for treating and preventing apoptosis related diseases using rna interfering

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## Available Documents

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09-12-2006	Abandonment	PROSECUTION		1		<input type="checkbox"/>	
09-11-2006	Miscellaneous Incoming Letter	PROSECUTION		3		<input type="checkbox"/>	
09-11-2006	CRF Statement Paper and CRF are the same	PROSECUTION		1		<input type="checkbox"/>	
09-11-2006	Sequence Listing	PROSECUTION		6		<input type="checkbox"/>	
07-07-2006	Pre-Exam Formalities Notice	PROSECUTION		3		<input type="checkbox"/>	
04-10-2006	Transmittal to IC Information Disclosure Statement (IDS) Filed	PROSECUTION		2		<input type="checkbox"/>	
04-10-2006		PROSECUTION		4		<input type="checkbox"/>	
04-10-2006	NPL Documents	PRIOR ART		5		<input type="checkbox"/>	
04-10-2006	NPL Documents	PRIOR ART		6		<input type="checkbox"/>	
04-10-2006	NPL Documents	PRIOR ART		3		<input type="checkbox"/>	

04-10-2006	<u>NPL Documents</u>	PRIOR ART	10	<input type="checkbox"/>
04-10-2006	<u>NPL Documents</u>	PRIOR ART	10	<input type="checkbox"/>
04-03-2006	<u>Notice of DO/EQ Acceptance Mailed</u>	PROSECUTION	2	<input type="checkbox"/>
01-17-2006	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	6	<input type="checkbox"/>
01-17-2006	<u>Oath or Declaration filed</u>	PROSECUTION	21	<input type="checkbox"/>
01-17-2006	<u>Bibliographic Data Sheet</u>	PROSECUTION	1	<input type="checkbox"/>
01-17-2006	<u>Application Data Sheet</u>	PROSECUTION	9	<input type="checkbox"/>
01-17-2006	<u>Extension of Time Information Disclosure Statement (IDS) Filed</u>	PROSECUTION	1	<input type="checkbox"/>
09-19-2005		PROSECUTION	6	<input type="checkbox"/>
09-19-2005	<u>NPL Documents</u>	PRIOR ART	4	<input type="checkbox"/>
09-19-2005	<u>NPL Documents</u>	PRIOR ART	13	<input type="checkbox"/>
09-19-2005	<u>NPL Documents</u>	PRIOR ART	11	<input type="checkbox"/>
09-19-2005	<u>NPL Documents</u>	PRIOR ART	6	<input type="checkbox"/>
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09-19-2005	<u>NPL Documents</u>	PRIOR ART	38	<input type="checkbox"/>
09-16-2005	<u>Notice of DO/EQ Missing Requirements Mailed</u>	PROSECUTION	2	<input type="checkbox"/>
04-29-2005	<u>Transmittal Letter</u>	PROSECUTION	3	<input type="checkbox"/>
04-29-2005	<u>Specification</u>	PROSECUTION	92	<input type="checkbox"/>
04-29-2005	<u>Claims</u>	PROSECUTION	7	<input type="checkbox"/>

04-29-2005	<u>Abstract</u>	PROSECUTION	1	<input type="checkbox"/>
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04-29-2005	<u>Claims Worksheet</u> (PTO-2022)	PROSECUTION	2	<input type="checkbox"/>
04-29-2005	<u>Fee Worksheet</u> (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
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04-29-2005	<u>Preliminary</u> <u>Amendment</u>	PROSECUTION	1	<input type="checkbox"/>
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04-29-2005	<u>Claims</u>	PROSECUTION	2	<input type="checkbox"/>
04-29-2005	<u>Applicant</u> <u>Arguments/Remarks</u> <u>Made in an</u> <u>Amendment</u>	PROSECUTION	1	<input type="checkbox"/>
04-29-2005	<u>Application Data</u> <u>Sheet</u>	PROSECUTION	5	<input type="checkbox"/>
04-29-2005	<u>NPL Documents</u>	PROSECUTION	47	<input type="checkbox"/>
04-29-2005	<u>Miscellaneous</u> <u>Internal Document</u>	PROSECUTION	1	<input type="checkbox"/>
04-29-2005	<u>Sequence Listing</u>	PROSECUTION	6	<input type="checkbox"/>
04-29-2005	<u>Documents</u> <u>submitted with 371</u> <u>Applications</u>	PROSECUTION	1	<input type="checkbox"/>

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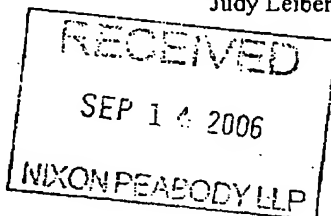


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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,622	Judy Leiberman	033393-055194

50828  
DAVID S. RESNICK  
100 SUMMER STREET  
NIXON PEABODY LLP  
BOSTON, MA 02110-2131



INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US03/34686

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

10/30/2003

10/30/2002

CONFIRMATION NO. 1754

371  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000020384976\*

Date Mailed: 09/12/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07/07/2006 within the time period set therein. <sup>922</sup>

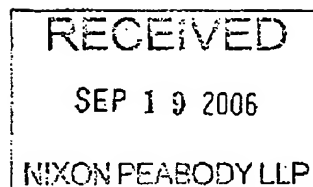
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



Mailing Date: September 6, 2006

Client: 033393-055194CBR

Inventors: Lieberman, et al.

Serial No.: 10/533,622

Filing Date: October 30, 2003 (I.A.)

Attorney/Sec: DSR/rg

Docket No.: 033393-055194

Patent No.:

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

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